

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

MICHAEL S. KIMM, ESQ.  
190 MOORE STREET, SUITE 272  
HACKENSACK, NEW JERSEY 07601  
TEL: 201-342-3377  
FAX: 201-342-0555  
*Attorney for Plaintiffs*

HO MYUNG MOOLSAN CO., LTD.,  
and HYUN-SONG KANG,

Plaintiffs,

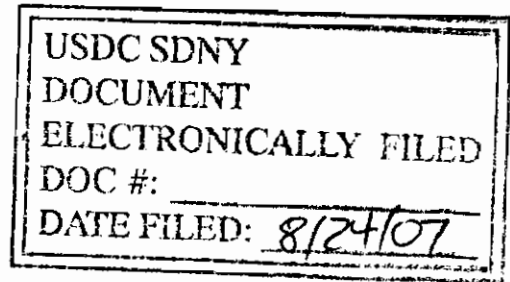
v.

MANITOU MINERAL WATER, INC.,  
RAPHAEL DRUG AND HEALTH CO.  
O-YOON KWON; NAM-IN JHON,  
HANMI HOME SHOPPING COMPANY,  
NEW JERSEY FLEA MARKET NEWS,  
NEW YORK FLEA MARKET NEWS,  
a/k/a WWW.FINDALLUSA.COM,  
JOHN DOES 1 THROUGH 10,  
JANE DOES 1 THROUGH 10, and  
ABC COMPANIES 1 THROUGH 100,

Defendants.

07 CV

7483



**Order to show cause for preliminary  
injunction and temporary restraining  
order**

THIS MATTER CAME TO BE HEARD on application of plaintiffs Ho Myung Moolsan Co., Ltd., and Hyun Song Kang, by their attorney, Michael S. Kimm, seeking an Order to show cause for temporary and preliminary injunction against principal defendants Manitou Mineral Water, Inc., Raphael Drug and Health Co., O-yoon Kwon; Nam-in Jhon, Hanmi Home Shopping Company, and persons and persons and entitics acting in concert

and participation with them, and restraining and enjoining the defendants and all persons within the reach of Rule 65 of the Federal Rules of Civil Procedure from, inter alia:

(1) selling or claiming to sell "Manitou Springs" mineral water in violation of plaintiffs' exclusive distribution rights under a contract with defendants Kwon and Manitou Mineral Water, Inc.;

(2) using or claiming to use plaintiffs' "HMA" logo/trademark in connection with the sale of any product or service;

(3) terminating, suspending or not performing under the exclusive supply agreement for "Manitou Springs" mineral water, as produced and bottled by defendant Manitou Mineral Water, Inc.; and

(4) from discarding, deleting, removing, destroying or otherwise making unavailable any document, tangible thing, or computer data relating to the defendants' conduct of the "Manitou Springs" mineral water business since 2004, during the pendency of this action; and

NOW, THEREFORE, upon the complaint filed in this action, dated August 17, 2007, the declaration of Jeong Hee Kim, dated August 17, 2007, and the attorney affirmation of Michael S. Kimm, dated August 17, 2007, and plaintiffs' memorandum of law dated August 17, 2002, and all proceedings heretofore had, it is hereby

ORDERED that defendants Manitou Mineral Water, Inc., Raphael Drug and Health Co., O-yoon Kwon; Nam-in Jhon, Hanmi Home Shopping Company appear on September

*pc* 24, 2007, at 10:00 o'clock, <sup>A.M.</sup> or as soon thereafter as counsel may be heard, at the U.S.

District Court for the Southern District of New York, 500 Pearl Street, Court Room 17B, *pc*  
New York, New York 10007, and show cause why they, and others acting in concert and participation with them, should not be preliminarily enjoined and restrained in the manner stated above in numbered paragraphs (1) through (4); and

*pc* ORDERED that, until further order of this Court, defendants shall preserve, and not discard, delete, remove, destroy or otherwise make unavailable to this Court and the parties to this lawsuit any document, tangible thing, or computer data relating to the defendants' conduct of the "Manitou Springs" mineral water business since 2004, including sales and marketing documents, until further order of the Court;

ORDERED that this Order to show cause and the supporting papers be served on defendants, at their respective addresses, as stated in the Complaint, to the attention of "Owner or President" by hand delivery, with a copy by regular mail, on or before August 31, 2007, shall be deemed good and sufficient service of process; and

*pc* ORDERED that defendants' answering papers, if any, shall be served on plaintiffs' counsel on or before ~~August~~ <sup>September</sup> 14, 2007; and plaintiffs' reply, if any, may be served on or before September 19, 2007; and


x

x


x

filed with the Court,  
with a courtesy  
copy for Judge  
Holwell's chambers,  
and

ORDERED that, pending a hearing on plaintiffs' pending application, bond is waived  
until further order of the Court.

  
Hon. \_\_\_\_\_

United States District Judge

LAURA TAYLOR SWAIN  Part I

8/23/2007  
Date